IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 5757 of 2007(I)

PETITIONER:

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1. V.SANKARANKUTTY, MANAGER,
HIGHER SECONDARY SCHOOL MUTHUKULAM,
MUTHUKULAM SOUTH P.O., ALLEPPEY DISTRICT.

2. G.KRISHNAKUMARI PILLAI,
HEADMISTRESS, HIGHER SECONDARY SCHOOL,
MUTHUKULAM, MUTHUKULAM SOUTH P.O.,
ALLEPPEY DISTRICT.

BY ADV. SRI.M.S.UNNIKRISHNAN
SMT.S.KARTHIKA
SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SRI.T.R.RAJESH

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE
SECRETARY TO GOVT., GENERAL EDUCATION
DEPARTMENT,TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
TRIVANDRUM.

3. THE SUPER CHECK CELL, REP. BY ITS
OFFICER, OFFICE OF THE DIRECTOR OF PUBLIC
INSTRUCTION, TRIVANDRUM.

4. THE DEPUTY DIRECTOR OF EDUCATION,
ALLEPPEY.

5. THE DISTRICT EDUCATIONAL OFFICER,
ALLEPPEY.

BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 5757 OF 2007 I

Dated this the 21st February, 2007

JUDGMENT

Case of the petitioners, in brief, is as follows:

First petitioner is the Manager of an Aided Higher Secondary School and the second petitioner is the Headmistress. By Ext.P3 order, the second respondent DPI has found that there were bogus admissions and, therefore, directed sanctioning of certain divisions in the classes in the High School Section is to be done away with. It is found that certain posts are to be abolished. Thereafter, the Director has directed the Deputy Director of Education, Alappuzha and the DEO, Alappuzha to examine the eligibility of protection including 1:40 ratio and extend the benefit, if any, to the affected teachers and to issue necessary orders. They are also directed to initiate disciplinary action against the Headmistress of the School before fixing the liability on this account. The Manager has preferred Ext.P4

Revision Petition before the Government. Ext.P5 is purported to be a stay petition. By Ext.P7, fourth respondent Deputy Director, has already called upon the first petitioner Manager, to initiate action against the second petitioner Headmistress, for the bogus admission. Thereafter, Ext.P8 was issued on 3.2.2007 by the fifth respondent, District Educational Officer, as per which the Manager was asked to initiate disciplinary action against the Headmistress and report the matter to the DEO within seven days of receipt of Ext.P8. The finding that there is bogus admission is disputed by the petitioners.

2. Heard the learned Government Pleader also. In regard to Ext.P3, the first petitioner Manager has anyway preferred Ext.P4 Revision Petition and Ext.P5 stay petition. I feel that a decision has to be taken on Exts.P4 and P5 by first respondent. Accordingly, there will be a direction to the first respondent to

consider and take a decision on Ext.P4 in accordance with law after hearing the first petitioner and any other affected party, within a period of two months from the date of receipt of a copy of this Judgment. As far as Ext.P5 is concerned, in view of the urgency expressed by counsel, there will be a direction to the first respondent to pass appropriate orders on Ext.P5 in accordance with law, within a period of one week from today. It is submitted by learned senior counsel for the petitioners that the petitioners have received a letter from the DEO calling upon details of the teachers to be sent out in terms of Ext.P3. But, it is pointed out that in Ext.P3 there is a direction by the Director of Public Instruction to consider the eligibility of protection including 1:40 ratio and to extend the benefit to the affected teachers and to issue necessary orders. First petitioner has already preferred Ext.P6 in this regard on 11.1.2007 before fifth respondent DEO. In such circumstances, there will be a

direction to the fifth respondent to consider and take a decision in accordance with law on Ext.P6 in the light of the direction in Ext.P3, within a period of one month from the date of receipt of a copy of this Judgment.

The Writ Petition is disposed of as above.

Kbk. **K. M. JOSEPH, JUDGE**